

ELECTRONICALLY FILED
JANUARY 19, 2007

STUTMAN, TREISTER & GLATT, P.C.
 FRANK A. MEROLA
 (CA State Bar No. 136934)
 EVE H. KARASIK
 (CA State Bar No. 155356)
 ANDREW M. PARLEN
 (CA State Bar No. 230429)
 1901 Avenue of the Stars, 12th Floor
 Los Angeles, CA 90067
 Telephone: (310) 228-5600
 Facsimile: (310) 228-5788
 E-mail: fmerola@stutman.com
ekarasik@stutman.com
aparlen@stutman.com

SHEA & CARLYON, LTD.
 JAMES PATRICK SHEA
 (Nevada State Bar No. 000405)
 CANDACE C. CARLYON, ESQ.
 (Nevada State Bar No. 002666)
 SHLOMO S. SHERMAN, ESQ.
 (Nevada State Bar No. 009688)
 228 South Fourth Street, First Floor
 Las Vegas, Nevada 89101
 Telephone: (702) 471-7432
 Facsimile: (702) 471-7435
 E-mail: jshea@sheacarlyon.com
ccarlyon@sheacarlyon.com
ssherman@sheacarlyon.com

*Counsel for the Official Committee of Equity Security
 Holders of USA Capital First Trust Deed Fund, LLC*

**UNITED STATES BANKRUPTCY COURT
 DISTRICT OF NEVADA**

In re:) BK-S-06-10725-LBR
 USA COMMERCIAL MORTGAGE COMPANY) Chapter 11
 Debtor)

In re:) BK-S-06-10726-LBR
 USA CAPITAL REALTY ADVISORS, LLC,) Chapter 11
 Debtor)

In re:) BK-S-06-10727-LBR
 USA CAPITAL DIVERSIFIED TRUST DEED FUND, LLC,) Chapter 11
 Debtor)

In re:) BK-S-06-10728-LBR
 USA CAPITAL FIRST TRUST DEED FUND, LLC,) Chapter 11
 Debtor.)

In re:) BK-S-06-10729-LBR
 USA SECURITIES, LLC,) Chapter 11
 Debtor.)

Affects)

☐ All Debtors) Date: January 31, 2007
☐ USA Commercial Mortgage Co.) Time: 9:30 a.m.
☐ USA Securities, LLC)
☐ USA Capital Realty Advisors, LLC)
☐ USA Capital Diversified Trust Deed)
☒ USA First Trust Deed Fund, LLC)

SHEA & CARLYON, LTD.
 228 S. Fourth Street, 1st Floor
 Las Vegas, Nevada 89101
 (702) 471-7432

CERTIFICATE OF SERVICE

1 I HEREBY CERTIFY that on the 18th day of January, 2007 I served the following
2 document:

3 Declaration of Matt Kvarda in Support of: (1) Second Omnibus Objection of the Official
4 Committee of Equity Security Holders of USA Capital First Trust Deed Fund, LLC to Misfiled
5 Claims; and (2) Omnibus Objection of the Official Committee of Equity Security Holders of
6 USA Capital First Trust Deed Fund, LLC to Claims Superseded by Compromise Contained in
Debtors' Third Amended Joint Chapter 11 Plan of Reorganization (As Modified)

7 I served the above document by the following means to the persons as listed below:

8 ☒ a. ECF System. (See attached Notice of Electronic Filing)

9 ☐ b. United States mail, postage full prepaid to the following:

10 ☐ c. Personal service.

11 I personally delivered the documents to the persons at these addresses:

12 ☐ For a party represented by an attorney, delivery was made by handing the
13 document(s) at the attorney's office with a clerk or other person in
14 charge, or if no one is in charge, by leaving the document(s) in a
15 conspicuous place in the office.

16 ☐ For a party, delivery was made by handing the document(s) to the party
17 or by leaving the document(s) at the person's dwelling house or usual
18 place of abode with someone of suitable age and discretion residing
there.

19 ☐ d. By direct email.

20 Based upon the written agreement of the parties to accept service by email or
21 a court order, I caused the document(s) to be sent to the persons at the email
22 addresses listed below. I did not receive, within a reasonable time after the
transmission, any electronic message or other indication that the transmission
was unsuccessful.

23 ☐ e. By fax transmission.

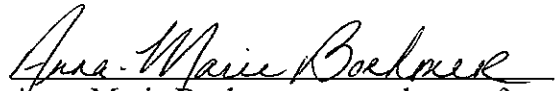
24 Based upon the written agreement of the parties to accept serve by fax
25 transmission or a court order, I faxed the document(s) to the persons at the
26 fax numbers listed below. No error was reported by the fax machine that I
used. A copy of the record of the fax transmission is attached.

1
2 ☐ f. By messenger.

3 I served the document(s) by placing them in an envelope or package
4 addressed to the persons at the addresses listed below and providing them to
a messenger for service.

5 I declare under penalty of perjury that the foregoing is true and correct.

6 DATED this 19th day of January, 2007.

7
8 
9 Anna-Marie Boehmer, an employee of
SHEA & CARLYON, LTD.
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Miscellaneous:

06-10725-lbr USA COMMERCIAL MORTGAGE COMPANY

U.S. Bankruptcy Court

District of Nevada

Notice of Electronic Filing

The following transaction was received from SHERMAN, SHLOMO S. entered on 1/18/2007 at 3:25 PM PST and filed on 1/18/2007

Case Name: USA COMMERCIAL MORTGAGE COMPANY

Case Number: 06-10725-lbr

Document Number: 2480

Docket Text:

Declaration of *Matt Kvarda* Filed by SHLOMO S. SHERMAN on behalf of OFFICIAL COMMITTEE OF EQUITY SECURITY HOLDERS OF USA CAPITAL FIRST TRUST DEED FUND, LLC (Related document(s)[2285] Objection to Claim,,,,,,,,, filed by Creditor Committee OFFICIAL COMMITTEE OF EQUITY SECURITY HOLDERS OF USA CAPITAL FIRST TRUST DEED FUND, LLC, [2295] Objection to Claim,, filed by Creditor Committee OFFICIAL COMMITTEE OF EQUITY SECURITY HOLDERS OF USA CAPITAL FIRST TRUST DEED FUND, LLC) (SHERMAN, SHLOMO)

The following document(s) are associated with this transaction:

Document description:Main Document

Original filename:Z:\USA Investors Committee #1500\Electronic Filing\Declaration of Matt Kvarda.pdf

Electronic document Stamp:

[STAMP bkecfStamp_ID=989277954 [Date=1/18/2007] [FileNumber=7691163-0]
[389ee6fe6c457227bdc9efc5c405e4b9e415667d6281217505cff81b352a680b987
4acc23453ac50a6b7ec66bde8accaff9edd39df3e31a21dd320a0fb8b925]]

06-10725-lbr Notice will be electronically mailed to:

MICHELLE L. ABRAMS mabrams@mabramslaw.com

FRANKLIN C. ADAMS franklin.adams@bbklaw.com, arthur.johnston@bbklaw.com

NANCY L ALLF nallf@parsonsbehle.com,
klawrence@parsonsbehle.com;tthomas@parsonsbehle.com;ecf@parsonsbehle.com

FRANK A. ANDERSON anderson.frank@pbgc.gov, efile@pbgc.gov

OGONNA M. ATAMOH oatamoh@nevadafirm.com,
bkecf@nevadafirm.com;paltstatt@nevadafirm.com;sliberio@nevadafirm.com

KERIANN M ATENCIO ATENCIOK@GTLAW.COM

LIVE ECF

Page 2 of 13

BMC GROUP, INC. evrato@bmcgroup.com,
ecf@bmcgroup.com;jmiller@bmcgroup.com;jbartlett@bmcgroup.com

GEORGANNE W. BRADLEY georganne.bradley@bullivant.com, mary.opatny@bullivant.com

KELLY J. BRINKMAN kbrinkman@gouldpatterson.com

THOMAS R BROOKSBANK tom@tombrooksbank.com, renee@tombrooksbank.com

ANDREW M. BRUMBY abrumby@shutts-law.com, rhicks@shutts-law.com;lmackson@shutts-law.com

LOUIS M. BUBALA lbubala@jonesvargas.com,
tbw@jonesvargas.com;bjl ingenfelter@jonesvargas.com

MATTHEW Q. CALLISTER mqc@callister-reynolds.com, maggie@callister-reynolds.com

CANDACE C CARLYON ltreadway@sheacarlyon.com,
ccarlyon@sheacarlyon.com;bankruptcyfilings@sheacarlyon.com;rsmith@sheacarlyon.com

ROB CHARLES rcharles@lrlaw.com, cjordan@lrlaw.com

MICHAEL W. CHEN yvette@ccfirm.com

KEVIN B. CHRISTENSEN kbchrislaw@aol.com

JANET L. CHUBB tbw@jonesvargas.com

JEFFREY A. COGAN jeffrey@jeffreycogan.com, sarah@jeffreycogan.com

WILLIAM D COPE cope_guerra@yahoo.com

CICI CUNNINGHAM bankruptcy@rocgd.com

LAUREL E. DAVIS bklsclv@lionelsawyer.com,
ldavis@lionelsawyer.com;gbagley@lionelsawyer.com;ldavisesq@aol.com

DEBT ACQUISITION COMPANY OF AMERICA V, LLC (tf) tfette@daca4.com

THOMAS H. FELL BANKRUPTCYNOTICES@GORDONSILVER.COM

SCOTT D. FLEMING sfleming@halelane.com, dbergsing@halelane.com,ecfvegas@halelane.com

GREGORY E GARMAN bankruptcyntices@gordonsilver.com

WADE B. GOCHNOUR wgochnour@hwmvlvaw.com, donnat@hwmvlvaw.com

CARLOS A. GONZALEZ carlos.gonzalez2@usdoj.gov,
Darlene.Ruckard@usdoj.gov;Eunice.Jones@usdoj.gov;Sue.Knight@usdoj.gov

LIVE ECF

Page 3 of 13

GERALD M GORDON bankruptcynotices@gordonsilver.com

R. VAUGHN GOURLEY vgourley@lvcm.com

TALITHA B. GRAY bankruptcynotices@gordonsilver.com

JAMES D. GREENE bknotice@schrecklaw.com

MARJORIE A. GUYMON bankruptcy@goldguylaw.com, ddias@goldguylaw.com

JEFFREY R. HALL jhall@sheacarlyon.com,
bankruptcyfilings@sheacarlyon.com;aboehmer@sheacarlyon.com;ltreadway@sheacarlyon.com;rsmith

XANNA R. HARDMAN xanna.hardman@gmail.com

STEPHEN R HARRIS noticesbh&p@renolaw.biz

JEFFREY L HARTMAN notices@bankruptcyreno.com

BRIGID M. HIGGINS bankruptcynotices@gordonsilver.com

JOHN HINDERAKER JHindera@LRL.com

RICHARD F. HOLLEY rholley@nevadafirm.com,
paltstatt@nevadafirm.com;vnelson@nevadafirm.com;sliberio@nevadafirm.com;bkecf@nevadafirm.com

RANDOLPH L. HOWARD rhoward@klnevada.com,
ckishi@klnevada.com;bankruptcy@klnevada.com

DAVID W. HUSTON dwh@hustonlaw.net, swaits@hustonlaw.net

CHRISTOPHER D JAIME cjaime@waltherkey.com, kbernhar@waltherkey.com

EVAN L. JAMES ejameslv@earthlink.net, kbchrislaw@aol.com

ANNETTE W JARVIS ajarvis@rqn.com

TY E. KEHOE TyKehoeLaw@aol.com

ROBERT R. KINAS rkinas@swlaw.com,
jmcbee@swlaw.com;jmath@swlaw.com;imccord@swlaw.com

DEAN T. KIRBY dkirby@kirbymac.com, jhebert@kirbymac.com;lackerman@kirbymac.com

ZACHARIAH LARSON ecf@lslawnv.com

JOHN J. LAXAGUE jlaxague@canecclark.com

GEORGE C LAZAR glazar@foxjohns.com, gclazar@sbcglobal.net

NILE LEATHAM nleatham@klnevada.com, ckishi@klnevada.com;bankruptcy@klnevada.com

ROBERT C. LEPOME rlepome@cox.net, smstanton@cox.net

ANNE M. LORADITCH ecffilings@beckleylaw.com,
aloraditch@beckleylaw.com;pkois@beckleylaw.com

PATRICIA A. MARR jjllaw@leelaw.lvcoxmail.com,
lvlaw03@yahoo.com;mark@leelaw.lvcoxmail.com

JAMES C. MCCARROLL , dturetsky@reedsmith.com;aleonard@reedsmith.com

REGINA M. MCCONNELL rmccconnell@kssattorneys.com

WILLIAM L. MCGIMSEY lawoffices601@lvcoxmail.com

RICHARD MCKNIGHT mcknightlaw@cox.net,
gkopang@lawlasvegas.com;cburke@lawlasvegas.com

JEANETTE E. MCPHERSON bkfilings@s-mlaw.com;info@s-mlaw.com

JEANETTE E. MCPHERSON bkfilings@s-mlaw.com;info@s-mlaw.com

SHAWN W MILLER bankruptcyfilings@sheacarlyon.com,
smiller@sheacarlyon.com;aboehmer@sheacarlyon.com;ltreadway@sheacarlyon.com;rsmith@sheacarlyon.com

DAVID MINCIN mcknightlaw@cox.net,
gkopang@lawlasvegas.com;dmincin@lawlasvegas.com;cburke@lawlasvegas.com

JOHN F MURTHA jmurtha@woodburnandwedge.com

ERVEN T. NELSON erv@rlbolick.com, susan@rlbolick.com

VICTORIA L NELSON bkecf@nevadafirm.com,
vnelson@nevadafirm.com;paltstatt@nevadafirm.com;rholley@nevadafirm.com;sliberio@nevadafirm.com

BOB L. OLSON ecffilings@beckleylaw.com, bolson@beckleylaw.com;dgriffis@beckleylaw.com

DONNA M. OSBORN ebaker@marquisaurbach.com,
dosborn@marquisaurbach.com;tszostek@marquisaurbach.com;kgallegos@MarquisAurbach.com

ANDREW M. PARLEN aparlen@stutman.com

DONALD T. POLEDNAK sandplegal@yahoo.com, spbankruptcy@yahoo.com

PAUL C RAY info@johnpeterlee.com

CHRISTINE A ROBERTS bankruptcy@rocgd.com

SUSAN WILLIAMS SCANN sscann@deanerlaw.com, palexander@deanerlaw.com

LENARD E. SCHWARTZER bkfilings@s-mlaw.com

JAMES PATRICK SHEA bankruptcyfilings@sheacarlyon.com,
ltreadway@sheacarlyon.com;rmsmith@sheacarlyon.com;aboehmer@sheacarlyon.com

SHLOMO S. SHERMAN ssherman@sheacarlyon.com,
aboehmer@sheacarlyon.com;bankruptcyfilings@sheacarlyon.com;ltreadway@sheacarlyon.com;rmsmith

AMBRISH S. SIDHU ecf@lslawnv.com

JEFFREY G. SLOANE gjklepel@yahoo.com, rmccConnell@kssattorneys.com

ALAN R SMITH mail@asmithlaw.com,
turk@asmithlaw.com;marsh@asmithlaw.com;darby@asmithlaw.com

DAVID A. STEPHENS dstephens@lvcm.com

PETER SUSI cheryl@msmlaw.com, msm@msmlaw.com

JEFFREY R. SYLVESTER jeff@sylvesterpolednak.com, David@sylvesterpolednak.com

CARYN S. TIJSSELING ctijsseling@beckleylaw.com, jblair@beckleylaw.com

AMY N. TIRRE , lleverett@kkbrf.com

AMY N. TIRRE atirre@kkbrf.com, lleverett@kkbrf.com

U.S. TRUSTEE - LV - 11 USTPRegion17.lv.ecf@usdoj.gov

GREGORY J. WALCH GWalch@Nevadafirm.com

RUSSELL S. WALKER rwalker@wklawpc.com,
eloveridge@wklawpc.com;lboynton@wklawpc.com;ckirk@wklawpc.com

WHITNEY B. WARNICK wbw@albrightstoddard.com, bstessel@albrightstoddard.com

WILLIAM J. WRAY wjw@oreillylawgroup.com,
rh@oreillylawgroup.com,bc@oreillylawgroup.com,lc@oreillylawgroup.com,ddh@oreillylawgroup.com,

JOAN C WRIGHT jwright@allisonmackenzie.com, jbrooks@allisonmackenzie.com

MATTHEW C. ZIRZOW bankruptcynotices@gordonsilver.com

ANTHONY A. ZMAILA azmaila@nevadafirm.com,
bkecf@nevadafirm.com;mbarnes@nevadafirm.com,paltstatt@nevadafirm.com

06-10725-lbr Notice will not be electronically mailed to:

THOMAS J. ALLISON

ANDREW K ALPER